

## REMARKS

Independent claims 1, 8 and 18 have been rejected under 35 U.S.C. § 103 as being obvious over the Seal '797 patent. The remaining dependent claims have also been rejected as being obvious over Seal alone, or in combination with Willson or Solatinow. Applicant respectfully traverses the rejections, and requests reconsideration of the claims.

With all due respect, the Examiner has misconstrued the Seal patent. Proper construction of the Seal patent requires withdrawal of the rejections of the claims.

More particularly, the Examiner has incorrectly asserted in the first office action and in the final office action that a rider does not cross his or her legs when mounting a horse using the Seal saddle. The Examiner correctly states that the Seal saddle has a primary stirrup 10 and a secondary stirrup 5 which is located in front of the primary stirrup 10. In other words, the secondary stirrup 5 is to the left of the primary stirrup 10, as seen in Figure 6 of Seal. There is no disclosure in the Seal patent that the secondary stirrup 5 ever moves to a position behind or to the right of the primary stirrup 10. Thus, the rider's right foot in the secondary stirrup 5 is always to the left of the primary stirrup 10, which receives the rider's left foot. Therefore, the left hand secondary stirrup inherently and necessarily places the rider's right foot to the left of the primary stirrup 10 and the rider's left foot. The rider's left foot is to the right of his/her left foot when both feet are in the Seal stirrups. Thus, the rider's legs will cross when mounting the horse. The only way to preclude crossing of the legs, is for the rider to lean far enough the rear of the horse so that the right leg extends behind the primary stirrup 10 as is apparently shown in Seal Figure 7. However, such a mounting technique is awkward and unsafe. Rather, a rider normally should maintain his/her body in an upright or vertical alignment for good balance, and so as to allow the right leg to swing over the horse to complete the mounting. As seen in Figure 7 of Seal, the rider

is leaning rearwardly, and thus does not have good balance. Also, the rider in Figure 7 of Seal cannot swing his right leg over the horse while leaning to the rear with his upper body leaning over the horse.

Submitted herewith is a CD with a video showing a rider mounting a horse with a saddle constructed according to the Seal '797 patent, and a second saddle constructed in accordance with the present invention. In the first portion of the video, the secondary stirrup is mounted over the horn of the saddle, as shown in Figures 1 and 2 of Seal, such that the secondary stirrup hangs to the left of the primary stirrup, all in accordance with the Seal patent. As seen in the video, the rider's legs cross one another when mounting the horse using the Seal saddle.

In the second portion of the video, the saddle is constructed with the secondary stirrup hanging behind or to the right of the primary stirrup, in accordance with the present invention. As further shown in the video, when the rider mounts the horse using the saddle of the present invention, the rider's legs do not cross.

Thus, as seen in the video, the secondary stirrups of the Seal patent and of the present invention are not functionally equivalent, as suggested by the Examiner. By positioning the secondary stirrup behind the primary stirrup, as required in independent claims 1, 8 and 18, the rider's legs never cross during mounting. In comparison, with the Seal saddle, the rider's legs will inherently cross one another during mounting.

The Examiner's conclusion that the secondary stirrups of the present invention and of the Seal saddle are functionally equivalent is unsupported by any evidence.

The Examiner correctly notes that the Seal patent is silent about the secondary stirrup being located rearwardly or behind the primary stirrup, as required by independent claims 1, 8 and 18. This difference is not taught or suggested anywhere in the prior art, as acknowledged by

the Examiner in paragraph 5 of the final office action. Applicant's video clearly shows that this difference in structure provides a substantial difference in use or result between the present saddle and the Seal saddle. Since these differences are not taught or suggested by the prior art, the obviousness rejections of the claims cannot be maintained and must be withdrawn.

In view of the foregoing, independent claims 1, 8 and 18 set forth unique structure, operation and results which distinguishes over the Seal patent so as to be allowable. The dependent claims are allowable as depending from an allowable base claim. Therefore, Applicant respectfully requests that a notice of allowance be issued.

For purposes of 37 C.F.R. § 1.116, Applicant submits this Amendment After Final for the purpose of distinguishing the primary reference cited by the Examiner. Since no amendments have been made to the claims, Applicant respectfully requests that the present amendment be entered.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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